


Plaintiff complains that a posted memorandum forces inmates to relinquish their copies of their sentencing and judgment information. Plaintiff objects to the report stating that his pre-sentence report must be disclosed to him under *United States Dep't of Justice v. Julian*, 486 U.S. 1 (1988). However, this case is distinguishable from *Julian* because the question here is not whether the pre-sentence report must be disclosed but whether the pre-sentence report, once

disclosed, may be maintained in the prisoner's cell. An inmate who is afforded an opportunity to access and review his pre-sentence report is not entitled under the Freedom of Information Act ("FOIA") to possess a copy of his pre-sentence report if he is provided reasonable opportunities to access and review the pre-sentence report. *See Martinez v. Bureau of Prisons*, 444 F.3d 620, 625 (D.C. Cir. 2006). Plaintiff does not assert that he has not been afforded an opportunity to access and review his pre-sentence report, only that he is not allowed to maintain a copy in his cell. Therefore, plaintiff's objections are without merit.

**ORDER**

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of August, 2007.

A handwritten signature in cursive script, reading "Marcia A. Crone".

---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE